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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,704	12/10/2001	Shane J. Trapp	M4065.0369/P369-A	3229

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EXAMINER

UMEZ ERONINI, LYNETTE T

ART UNIT PAPER NUMBER

1765

DATE MAILED: 05/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/006,704

Applicant(s)

TRAPP, SHANE

Examiner

Lynette T. Umez-Eronini

Art Unit

1765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 26-32, 71 and 77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-32, 71 and 77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/21/2005 has been entered.

The previous rejection has been withdrawn because:

In (Currently amended) claims 26 and 77, "A composition . . . wherein said at least one fluorocarbon and ammonia form a reactive mixture;" and

In (Currently amended) claim 71 "A composition . . . at least one other fluorocarbon, and  $\text{NH}_3$ , wherein said  $\text{CF}_4$ , at least one other fluorocarbon, and  $\text{NH}_3$  form a reactive mixture" raise new issues that would require further consideration.

### ***Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 26-30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamrah et al. (EP 0 553961 A2).

Hamrah teaches a reactive ion etch process for etching oxide (insulative) layers by using a standard oxide etch chemistry that includes  $\text{CHF}_3$ , Ar, and  $\text{CF}_4$  (page 2, lines 1-5, 16-18), adding a gaseous source of hydrogen radical, such as ammonia to the oxide RIE etching chemistries (page 2, lines 32-34), and supplying a selected reactive gas mixture including a gaseous source of hydrogen radicals and RF are supplied to the chamber to establish an etching plasma (page 2, lines 44-46). The aforementioned reads on,

A composition suitable for use in etching an insulative layer formed over a substrate in a semiconductor device, said composition comprising:

a flowing plasma etchant mixture consisting essentially of at least one fluorocarbon and ammonia. Since Hamrah disclose the same composition as claimed by applicants, then using Hamrah's composition in the same manner as claimed by applicants would inherently result wherein said at least one fluorocarbon and ammonia form a reactive mixture, as recited in **claim 26**.

The above aforementioned further reads on,

wherein said fluorocarbon is at least one member selected from the group consisting of fluorocarbons, **as in claim 27**;

wherein said fluorocarbon is at least one member selected from the group consisting of  $\text{C}_4\text{F}_8$ ,  $\text{C}_4\text{F}_6$ ,  $\text{C}_5\text{F}_8$ ,  $\text{CF}_4$ ,  $\text{C}_2\text{F}_6$ ,  $\text{CHF}_3$ , and  $\text{CH}_2\text{F}_2$ , **in claim 28**; and

wherein said fluorocarbon is at least one member selected from the group consisting of  $\text{CF}_4$ ,  $\text{CHF}_3$ , and  $\text{CH}_2\text{F}_2$ , **in claim 29**;

wherein said fluorocarbon is at least two members selected from the group consisting of and is a combination of  $\text{CF}_4$ ,  $\text{CHF}_3$  and  $\text{CH}_2\text{F}_2$ , **in claim 30**; and

Since Hamrah uses the same etchants to etch an insulation layer as that of the claimed invention then, using Hamrah's etchants in the same manner as in the claimed invention would result wherein said composition is ineffective to remove side wall spacers of a gate formed over said substrate, **in claim 32**.

The above aforementioned also reads on,

A composition suitable for use in etching an insulative layer formed over a substrate in a semiconductor device, said composition consisting of:

a flowing plasma etchant mixture consisting of  $\text{CF}_4$ , at least one other fluorocarbon, and  $\text{NH}_3$ . Since Hamrah discloses the same composition as claimed by applicants, then using Hamrah's composition in the same manner as claimed by applicants would result wherein said  $\text{CF}_4$ , at least one other fluorocarbon and  $\text{NH}_3$ , form a reactive mixture, as recited **in claim 71**.

The said aforementioned further reads on,

A composition suitable for use in etching an insulative layer formed over a substrate in a semiconductor device, said composition consisting of: a gaseous etchant mixture, consisting of at least one fluorocarbon and ammonia. Since Hamrah discloses the same composition as claimed by applicants, then using Hamrah's composition in the

same manner as claimed by applicants would result wherein said at least one fluorocarbon and ammonia  $\text{NH}_3$ , form a reactive mixture, as recited in **claim 72**.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hamrah (EP '961 A2) as applied to claim 26 above, and further in view of Becker et al. (US 6,015,760).

Hamrah differs only in failing to teach wherein said fluorocarbon is a combination of  $\text{CF}_4$ ,  $\text{CHF}_3$  and  $\text{CH}_2\text{F}_2$ , in claim 31.

Becker teaches anisotropic etching takes place primarily in the vertical direction so that feature widths substantially match the photoresist pattern widths (column 1, lines 40-43); and anisotropic etching is utilized when feature sizing after etching must be maintained within specific limits so as not to violate alignment tolerances or design rules (column 1, line 43-46); and selectively etching SiO<sub>2</sub> layer with respect to a nitride layer by using a fluorinated chemical etchant system that comprises: CF<sub>4</sub>, CHF<sub>3</sub> and a CH<sub>2</sub>F<sub>2</sub> additive material (column 4, lines 16-18) and in this way, the etching process provides for the formation of sidewalls in etched layers which have a substantially vertical profile (column 4, lines 29-31).

It is the examiner's position that it would have been obvious to one having ordinary skill in the art at the time of the claim invention to modify Hamrah by combining the etchants as taught by Becker for the purpose of meeting specific limits that would not violate alignment tolerances or design rules (Becker, column 1, lines 43-46).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynette T. Umez-Eronini at 571-272-1470. The examiner is normally unavailable on the First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

ltue

May 16, 2005

NADINE G. NORTON  
SUPERVISORY PATENT EXAMINER

